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REPORT OF THE SANDALWOOD COMMITTEE.

INTRODUCTORY.

Under Section 72 of the Forest Regulation, sandal trees are the exclusive property of Government, wherever they may be grown whether in Government land or private land. As a safeguard against the destruction of such trees in private land, Section 73 prescribes certain penalties to which an owner of land on which sandal trees grow is liable, in case any damage is caused to such trees, unless he can prove that the injury or damage was not due to his act or negligence. In 1909, the Government laid down a policy of giving the raiyats a share in the revenue from sandal trees on their holdings and affording facilities for the removal of such of them as were a hindrance to the proper user of the land. With a view to discouraging the removal of immature trees from occupied lands, a scale of fees was fixed for payment to Government as compensation for the trees required to be removed. Representations were frequently made by the public that the rules have been pressing very hard on the agriculturists and do not afford sufficient incentive for the preservation of the trees on account of the low amount of bonus to which the owner of the land is entitled as compared to the value derived by Government therefrom and that they may be modified. In view of these representations, certain modifications were made, having in view the interests of Government and of the raiyat. But finding that all the difficulties experienced by the raiyats have not been removed and that there have been renewed representations in this behalf, Government in their Order No. G. 14775-84—Ft. 347-27-8, dated 11th June 1929, appointed a Committee to go into the whole question pertaining to sandal trees on occupied lands and on lands to be given out for cultivation, and submit their proposals in this behalf.

2. PERSONNEL OF THE COMMITTEE.

The Committee as originally constituted consisted of the following members:—

1. The Revenue Commissioner in Mysore (Chairman).
2. The Chief Conservator of Forests.
3. The Deputy Commissioner, Mysore District.
4. The Deputy Commissioner, Kadur District.
5. Mr. S. L. Mannaji Rao Kadom, Member, Legislative Council.
6. Mr. F. M. Abdul Quddus, Member, Representative Assembly, with the Technical Assistant to the Chief Conservator of Forests as Secretary to the Committee.

After the first meeting of the Committee, it was resolved to invite the Conservator of Forests, Shimoga Circle, to be present at the subsequent meetings, and this was approved by Government in their Order No. G. 1391-401—Ft. 26-29-2, dated 1st August 1929. Later, on a reference from the Chief Conservator of Forests, the Deputy Commissioner of Shimoga was added to the Committee in G. O. No. G. 1980-90—Ft. 347-27-2, dated 10th August 1929.

3. Terms of reference to the Committee:—

They are:—

(*a*) (1) Whether the occupant or holder may be relieved to any extent of the responsibility for damage to sandal trees in his land;

(2) if he is relieved of the responsibility, what measures should be adopted for the proper preservation of the trees;

(3) if the continuance of the present rules is necessary, what further reliefs, if any, may be given to him; and whether it is not necessary to raise the scale of fees for damage to the trees having regard to the increased value of sandalwood;

(4) whether the rates of bonus now granted require any revision;

(5) whether the procedure for the payment of bonus requires any change to ensure that the amount is received promptly by the person entitled to it.

(*b*) whether any compensation should be recovered from the occupant for the removal of 'Green' sandal trees from his occupancy at his request.

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(*c*) Whether malki should be recovered from the raiyat on trees standing on the land given out to him for cultivation.

(*d*) Whether the malki recovered from the occupant should be refunded to him when he resigns the land leaving the trees in tact.

(*e*) Whether the concessions granted in the Government Order of 1919 are sufficient to encourage the raising of sandal plantations; if not, what further concessions are necessary for popularising the rearing of such plantations.

(*f*) Whether it is desirable to prepare lists of lands suitable for cultivation of sandalwood with a view to their reservation or to their being given out for growing sandal on special terms.

(*g*) In what respects the rules regarding grant of lands containing sandal trees require revision, so as to meet the reasonable demand of the people for lands for cultivation without affecting Government interests in sandal trees.

(*h*) What safeguards should be provided for the prevention or the removal or destruction of sandal saplings growing on occupied lands.

(*i*) Whether the existing provisions of the Regulation (Sections 74, 54 and 55 thereof) are sufficiently deterrent in case of offences relating to sandal, and if not, what amendment of law is necessary.

SYNOPSIS OF WORK DONE BY THE COMMITTEE.

The Committee held in all four meetings. In the first meeting held in the Chief Conservator's Office on 9th July 1929, there was a general discussion as regards the various questions referred to the Committee for report and it was finally resolved that a Conference be held with the leading representatives from the Districts in order to obtain their views on the subject and that the Deputy Commissioners be requested to select such representatives. In pursuance of this resolution, the following members were invited to be present at the next meeting held on the 14th October 1929 in Mysore:—

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Bangalore District.—

1. Mr. B. Abdur Rahmon, B.A.,
   President, District Board, Bangalore.

Kolar District.—

2. Mr. C. B. Gopala Rao,
   President, District Board, Kolar.

Tumkur District.—

3. Mr. S. Shama Sastri,
   Pleader, Madhugiri.

Chitaldrug District.—

4. Mr. M. Ananthiah Setty,
   Advocate, Chitaldrug.

Mysore District.—

5. Mr. H. V. Hanumantha Setti,
   Merchant, Hunsur.

6. Mr. N. Siddalinga Devaru,
   Land-holder, Seringapatam.

7. Mr. S. C. Malliah,
   Land-holder, Somanahalli, Maddur, P. O.

Hassan District.—

8. Mr. H. B. Gundappa, B.A., B.L.,
   Advocate and Member, Legislative Council.

9. Mr. H. Basaviah,
   Member, Representative Assembly, Hassan.

Shimoga District.

10. Mr. H. G. Basavappa,
    Member, Representative Assembly.

11. Mr. B. Gopalachar,
Member, Tirthahalli.

Kadur District:—

12. Mr. Bagamane Deva Gowda,
Member, Legislative Council, Chikmagalur.

13. Mr. S. Honnappiah,
Shanbhog and District Board Member, Vastara.

This meeting was specially fixed during the Dasara Festival with a view to facilitate the attendance of all the invited representatives. But some of them were not present at the meeting and those that attended the meeting represented that they were not sufficiently conversant with the literature on the subject and that they might be supplied with complete information and another meeting arranged, so that they might study the question with reference to the existing rules, consult local opinion, and voice their views in the next meeting. A general discussion took place on that date and the next meeting was fixed at Bangalore. To enable them to study the rules on the subject at present, a copy of the Forest Manual was supplied to each of the Representatives.

The meeting in Bangalore was held on the 4th November 1929 when the views of the several Representatives were heard and discussed.

Copies of the Proceedings of the two meetings with the non-official District Representatives are enclosed and are marked A and B.

The final meeting of the Committee was held on the 7th December 1929 in the Revenue Commissioner's Office wherein the recommendations to be made to Government were agreed upon.

We shall now deal with the terms of reference one by one.

(a) (i) Whether the occupant or holder can be relieved to any extent of the responsibility for damage to sandal trees on his land.

(ii) If he is relieved of the responsibility, what measures should be adopted for the proper preservation of the trees.

(iii) If the continuance of the present rule is necessary, what further relief if any may be given to him; and whether it is necessary to raise the scale of fees for damage to the trees having regard to the increased value of sandalwood.

(iv) Whether the rates of bonus now granted require any revision.

(v) Whether the procedure for the payment of bonus requires any change to ensure that the amount is received promptly by the person to it.

As regards (a) (i) and (a) (ii) and (iii) the District Representatives urged in the first instance that this liability should be entirely removed and that only the persons actually proved guilty of having committed mischief or damage should be made liable. When it was pointed out to them that sandalwood was the property of the State and that any relaxation in the responsibility of the land-holders would result in the wholesale destruction of sandal trees on private land and the consequent loss to Government without any chance of detection and without fear on the part of the occupant or person in possession thereof, it was admitted that such vicarious responsibility could not be removed altogether, but they wanted the following modification:—

"that the person in actual possession (*i. e.*, Anubhavadar) of the land should be made primarily responsible for the damage that occurred to sandal trees in his land and that in case the cost of the damage becomes irrecoverable from him, then alone should the registered occupant be made liable for it." The Members of the Committee have accepted this suggestion and it was resolved that a recommendation may be made to Government to amend the law and rules in this behalf accordingly. In view of the above resolution, the present scale of fees for damage to sandal trees which is fixed sufficiently high, was considered to require no revision.

Touching (a) (iv), the non-official members made various proposals urging increase in the rates of bonus now granted. They urged that the present rates are disproportionately low compared to the net value that Government realises by taking the trees grown in private holdings and that at least 50 per cent if not more of the net value of scented wood at the rate prevailing at the time for sandalwood, should be given to the landholder as bonus. Other suggestions on similar lines but varying the proportion were made by the Representatives. It was pointed to them that it would be impracticable to fix bonus according to the value of the scented wood that could be got from each tree, as the determination is beset with practical difficulties.

On the whole, there was general agreement that it was more advantageous to the people to follow a simple rule of thumb method by which bonus to be granted for each tree could be readily fixed and paid on the spot and that the rates now prevailing are low having been fixed a long time ago.

It was resolved that as the price of sandalwood had increased during the past few years, the rates of bonus may be increased to thrice the present scale of rates and that the bonus should be calculated on the girth of the tree removed.

As regards (a) (v), *viz.*, procedure for the payment of bonus, a suggestion was made that the payment should be made immediately a tree grows to maturity in a particular field. Another suggestion was that as it was not fair to the owner of the land to ask him to wait indefinitely until the Forest Department decided that the tree had become mature and removed it, a certain number of years should be fixed as the period by which a tree, even when alive, was to be considered to have matured and payment of bonus should be made antomatically thereafter. A third suggestion was that as soon as a tree is up-rooted, the payment of the bonus should be made on the spot. These and other suggestions as contained in the summary of discussions were considered by the Committee and it was finally resolved by them that the occupant may be permitted to uproot and rough dress the tree in his land, provided it is previously stamped by the Range Officer and wood is transported under a passport to the Headquarters of the Range Officer and that the payment of the bonus should be made by the Range Officer immediately he receives the wood. He should also pay the rates in vogue for collection and carting to the party who brings the sandalwood. These rates may be fixed on the basis of girth and distance.

(b) Whether any compensation should be recovered from the occupant for the removal of "Green" sandal trees from his occupancy at his request.

The trend of the representation on this point was that there should be no levy in the shape of compensation to be recovered from the occupant for the removal of green sandal trees in his occupancy which are a source of hindrance to the proper cultivation of the land. After considering various aspects of the case placed before them, the Committee came to the conclusion that as the wood that is ordinarily got from a tree of less girth than 12 inches is not considerable, the occupants may be exempted from paying any compensation for the removal of such green trees which under Rule 8 are found to interfere with the legitimate use of the land. As for trees of bigger girth, since the loss to Government by the premature removal is rather great and the present rates are not unreasonable, they may be continued without any alteration.

As regards (c) whether malki should be recovered from the raiyat on trees standing on the land given out to him for cultivation, (d) whether the malki recovered from the occupant should be refunded to him when he resigns the land leaving the trees in tact, and (g) in what respects the rules regarding grant of lands containing sandal trees require revision so as to meet the reasonable demand of the people for lands for cultivation without affecting Government interests in sandal trees.

After considering the views of the Non-official Members the Committee resolved that the following changes may be introduced in the rules relating to the same.

(1) Lands containing rich growth of sandal trees should not be granted for cultivation. When any land contains 10 or more sandal trees of over 12 inches girth per acre, it should be considered as fit for reservation.

(2) Lands containing fewer trees than above and those containing a sprinkling of green plants may be given out for cultivation on payment of the present value of the bonus that would be payable to the occupant in case the trees had grown to maturity.

This rule of levying a malki should be made compulsory and the present system of granting land reserving the sandal trees standing on it without recovering the malki should be discontinued as it is not possible to verify the terms of each grant of land after the lapse of several years when it is just possible that bonus will be claimed and paid even in the case of trees which had been specially reserved to Government at the time of the grant.

It was suggested that when land containing sandal trees is resigned by an occupant, an amount equivalent to the bonus on the sandal trees that are standing on the land so resigned calculated in the same manner as compensation that would be recovered from a person who would apply for that land at that time as per rule (1) *supra* should be paid to the occupant. The Committee consider this suggestion not practicable. Moreover it involves a new principle in regard to absolute relinquishments.

With the above modifications in the present set of rules *re* the grant of land containing sandal trees, the reasonable demand of people for cultivation will, it is hoped, be satisfied without affecting the interests of Government in the sandal trees.

(e) Whether the concessions granted in the Government Order of 1919, are sufficient to encourage the raising of sandal plantations; if not, what further concessions are necessary for popularising the rearing of such plantations.

A distinction is made in the present rules between Malnad and Maidan parts of the State in regard to the concessions to be given to private persons for growing sandal trees in Government (unoccupied) land. The present rule is that while raiyats raising plantations in Maidan Taluks are entitled to 50 per cent of the net value of mature trees removed from such plantations, the raiyats of Malnad Taluks are allowed only 25 per cent of the net value. The non-official members urge that this distinction between Maidan and Malnad parts should be removed and that a uniform rate of 50 per cent of the net value of trees removed should be given as bonus in all the parts of the State, and that as these rules are not understood generally by the people at large, special efforts should be made by the Revenue and Forest Departments to publish these rules broadcast. The Committee agreed to these proposals. They consider however that a plantation should mean an area not less than 5 acres in extent on which sandal is the principal crop and containing not less than 20 trees per acre and that the concessions should be given also to lands already in occupation in which the above conditions are satisfied.

(f) Whether it is desirable to prepare lists of lands suitable for cultivation of sandalwood with a view to their reservation or to their being given out for growing sandal on special terms.

As regards (f), it was suggested that lists of lands suitable for cultivation of sandalwood should be prepared by the Revenue and Forest Departments with a view to their reservation or being given out for private persons for growing Sandal trees. But, after discussion, the Committee came to the conclusion that the preparation of such lists was not a practical proposition and that whenever any person came forward with an application, every facility should be given to him.

(h) What safeguards should be provided for the prevention of the removal or destruction of Sandal saplings growing on occupied lands.

With the liberalising of the rules regarding the payment of compensation to registered occupants for trees obstructing cultivation in the land, the Committee came to the conclusion that no further safeguards need be provided against the destruction of Sandal saplings, growing thereon.

(i) Whether the existing provisions of the Regulation (Section 74 and Sections 54 and 55 thereof) are sufficiently deterrent in case of offences relating to Sandal and if not what amendment of law is necessary.

While on this subject, it has to be observed that the word 'damage' to a Sandal tree is not defined in all its aspects but is understood in a general sense so as to include the total destruction of a tree as well as the removal of a small branch for the purpose of using the leaves thereof, which has not the effect of materially injuring it and the penalty prescribed in both the cases is one and the same. The Departmental Officers have no other alternative than to follow the Standing Orders on the subject.

Some of the members represented that the mere removal of a few small branches for the sake of the leaves should not be treated as damage and dealt with as if the whole tree was destroyed.

The Chief Conservator reiterated that the word 'damage' to sandal tree should be clearly defined and that removal of branches for goat browsing, which may not kill the tree, but which sufficiently hinders its healthy growth is not at present considered to be damage and that unless this action is also included in the word 'damage' and the authors (culprits) thereof are suitably punished, there is every possibility of a setback being caused in the healthy growth of the tree and consequently considerable loss to Government. This was accepted by all the members of the Committee and it was resolved that the rule should be so amended as to bring lopping of branches resulting in material injury to the trees under the category of damage and making the holder of the land containing such trees liable to pay one-fourth or half or full penalty prescribed according to the extent of damage done.

When the Range Officer receives a report from the Patel or comes to know through any other source of any damage caused to sandal trees and conducts and closes his investigation as to the damage caused to such trees he should serve a notice on the landholders through the Patel noting therein the amount assessed so that the land-holder may be in a position to know the nature of the complaint against him and take steps to prove his innocence. The Range Officer will within a week submit the full records of the case to the District Forest Officer who in turn will enter the same in the prescribed sandal damage register and forward the same to the Amildar with his own views; the Amilda

should pass his final orders and cause the recovery of the amount within two months of the date of the receipt of the records, send the Treasury challan to the Range Officer for incorporating in his accounts and the records to the District Forest Officer. It should also be made a Standing Order that it is one of the duties of the Village Patel and Shanbhogue to see that sandal trees in occupied lands are properly protected by the owner or person immediately in possession of land, and to report as soon as information is received by him of any damage done to sandal trees in the village. As an incentive to the village servants to do their function of watch and ward properly, the Committee resolved that the Village Officers, *viz.*, (the Patel and the Shanbhogue) should be given a remuneration of 5 per cent each on the bonus paid to the owner for every tree removed from the village limits. In view of this remuneration, it should be made their duty to report to the Range Officer full particulars of any dry sandal tree fit for extraction within their jurisdiction.

The above precautions are necessary to ensure proper preservation of sandal trees.

The existing provisions for punishing offences against sandal trees are in the opinion of the Committee sufficiently deterrent and need no alteration.

The Committee desire to express their acknowledgments to Mr. L. P. Mascarenhas, Secretary to the Committee, and Mr. R. A. Narasimha Iyengar, the Second Assistant to the Revenue Commissioner for collecting the materials required for the report and the help they rendered in its preparation.

28th March 1930.

P. G. D'SOUZA,
Revenue Commissioner and Chairman.

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H. V. Ramaswami.
M. Machaiya.
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